



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

SENATE BILL NO. 185

MONDAY, FEBRUARY 29, 2016

The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED
DATE April 1, 2016
1:48 pm
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

1 AN ACT relating to autism spectrum disorders.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) The Advisory Council on Autism Spectrum Disorders is hereby created and shall*
6 *be attached to the Office of Autism within the Cabinet for Health and Family*
7 *Services for administrative purposes.*

8 *(2) The Advisory Council on Autism Spectrum Disorders shall consist of the*
9 *following members appointed by the Governor:*

10 *(a) One (1) representative from the Department for Public Health;*

11 *(b) One (1) representative from the Department for Medicaid Services;*

12 *(c) One (1) representative from the Department for Community Based Services;*

13 *(d) One (1) representative from the Department for Public Advocacy;*

14 *(e) One (1) representative from the Department of Education;*

15 *(f) One (1) representative from the Department of Juvenile Justice;*

16 *(g) One (1) representative from the Department for Behavioral Health,*
17 *Developmental and Intellectual Disabilities;*

18 *(h) One (1) representative from the Commission for Children with Special*
19 *Health Care Needs;*

20 *(i) One (1) parent or youth representative from the Commonwealth Council on*
21 *Developmental Disabilities;*

22 *(j) One (1) representative from the Kentucky Autism Training Center;*

23 *(k) One (1) representative from the Office of Vocational Rehabilitation;*

24 *(l) One (1) representative from the University of Louisville;*

25 *(m) One (1) representative from the University of Kentucky Human*
26 *Development Institute;*

27 *(n) One (1) representative from the University of Kentucky;*

- 1 (o) One (1) representative from the Center for Autism Spectrum Evaluation,
- 2 Service, and Research;
- 3 (p) One (1) representative from the Education Professional Standards Board;
- 4 (q) One (1) pediatrician representative;
- 5 (r) One (1) representative from the Weisskopf Child Evaluation Center;
- 6 (s) One (1) representative from the First Steps Program;
- 7 (t) One (1) representative from the Arc of Kentucky;
- 8 (u) The director of the Office of Autism;
- 9 (v) At least one (1) consumer representative, an adult with a diagnosis on the
- 10 autism spectrum; and
- 11 (w) Five (5) citizen-at-large members.
- 12 (3) The co-chairs of the Advisory Council on Autism Spectrum Disorders shall be the
- 13 representatives appointed by the Governor from the University of Kentucky and
- 14 the University of Louisville.
- 15 (4) The Advisory Council on Autism Spectrum Disorders may invite individuals who
- 16 are not members to serve on committees and workgroups.
- 17 (5) Appointed members of the Advisory Council on Autism Spectrum Disorders shall
- 18 serve without compensation, but shall be reimbursed for actual expenses incurred
- 19 in the performance of duties in accordance with KRS 45.101 and administrative
- 20 regulations promulgated thereunder. Members of the council shall initially be
- 21 appointed to serve staggered terms and thereafter shall be appointed to serve a
- 22 term of four (4) years.
- 23 (6) The Cabinet for Health and Family Services, the Personnel Cabinet, the Finance
- 24 and Administration Cabinet, and the Office of the State Budget Director shall
- 25 take all necessary actions to effectuate this section.
- 26 (7) The Advisory Council on Autism Spectrum Disorders shall be responsible for:
- 27 (a) Promoting the vision for Kentucky's services and supports to persons on the

1 autism spectrum and their families and advocating for improved quality and
2 evidence-based practices for persons on the autism spectrum and their
3 families;

4 (b) Promoting the early screening, identification, early intervention, and
5 appropriate use of evidence-based practices and standards of care for
6 persons on the autism spectrum across the lifespan;

7 (c) Strengthening state, regional, and local level collaboration and
8 coordination with families, self-advocates, support groups, and state
9 agencies to further coordinate, develop, and enhance the service delivery
10 system for persons on the autism spectrum across the lifespan;

11 (d) Gathering and analyzing research and data to assess the quality and
12 availability of programs and services for persons on the autism spectrum
13 and providing recommendations on assessments, interventions, and
14 treatment modalities across the lifespan;

15 (e) Developing recommendations for:

16 1. Increasing participation in existing federal, state, and local programs
17 that serve children, youth, and adults on the autism spectrum;

18 2. Enhancing the current professional development and planning for
19 future workforce development to incorporate research and evidence-
20 based practices;

21 3. Establishing standards of care and undertaking efforts to ensure
22 promotion of these standards statewide; and

23 4. Promoting the development of services and supports to transition
24 youth and adults on the autism spectrum;

25 (f) Assessing the capacity and effectiveness of institutes of higher education in
26 the state toward supporting the development of the workforce for persons on
27 the autism spectrum;

1 (g) Requesting and utilizing federal, state, and private funds, including funds
 2 from philanthropic sources;

3 (h) Improving procedures for ensuring accountability and measuring success
 4 of programs that receive state, federal, and philanthropic funds;

5 (i) Obtaining reports and issuing progress updates on state and federally
 6 funded services that impact the quality of Kentucky's system of care for
 7 persons on the autism spectrum;

8 (j) Completing a biennial report with the Office of Autism and submitting it to
 9 the Commonwealth Council on Developmental Disabilities, the Governor,
 10 and the Legislative Research Commission. The first report shall be due on
 11 or before September 30, 2017, and subsequent reports shall be due each
 12 September 30 in odd-numbered years thereafter; and

13 (k) Other duties and responsibilities as designated by the Governor.

14 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO
 15 READ AS FOLLOWS:

16 (1) The Office of Autism is hereby created within the Cabinet for Health and Family
 17 Services.

18 (2) The Office of Autism may be housed at the University of Louisville and the
 19 University of Kentucky, by agreement of the parties.

20 ➔Section 3. KRS 194A.135 is amended to read as follows:

21 (1) The Commonwealth Council on Developmental Disabilities is created within the
 22 cabinet.

23 (2) The Commonwealth Council on Developmental Disabilities is established to
 24 comply with the requirements of the Developmental Disabilities Act of 1984 and
 25 any subsequent amendment to that act.

26 (3) The members of the Commonwealth Council on Developmental Disabilities shall
 27 be appointed by the Governor to serve as advocates for persons with developmental

1 disabilities. The council shall be composed of twenty-six (26) members.

2 (a) Ten (10) members shall be representatives of: the principal state agencies
 3 administering funds provided under the Rehabilitation Act of 1973 as
 4 amended; the state agency that administers funds provided under the
 5 Individuals with Disabilities Education Act (IDEA); the state agency that
 6 administers funds provided under the Older Americans Act of 1965 as
 7 amended; the single state agency designated by the Governor for
 8 administration of Title XIX of the Social Security Act for persons with
 9 developmental disabilities; higher education training facilities, each
 10 university-affiliated program or satellite center in the Commonwealth; and the
 11 protection and advocacy system established under Public Law 101-496. These
 12 members shall represent the following:

- 13 1. Office of Vocational Rehabilitation;
- 14 2. Office for the Blind;
- 15 3. Division of Exceptional Children, within the Department of Education;
- 16 4. Department for Aging and Independent Living;
- 17 5. Department for Medicaid Services;
- 18 6. Department of Public Advocacy, Protection and Advocacy Division;
- 19 7. University-affiliated programs;
- 20 8. Local and nongovernmental agencies and private nonprofit groups
- 21 concerned with services for persons with developmental disabilities;
- 22 9. Department for Behavioral Health, Developmental and Intellectual
- 23 Disabilities; and
- 24 10. Department for Public Health, Division of Maternal and Child Health.

25 (b) At least sixty percent (60%) of the members of the council shall be composed
 26 of persons with developmental disabilities or the parents or guardians of
 27 persons, or immediate relatives or guardians of persons with mentally

1 impairing developmental disabilities, who are not managing employees or
2 persons with ownership or controlling interest in any other entity that receives
3 funds or provides services under the Developmental Disabilities Act of 1984
4 as amended and who are not employees of a state agency that receives funds
5 or provides services under this section. Of these members, five (5) members
6 shall be persons with developmental disabilities, and five (5) members shall
7 be parents or guardians of children with developmental disabilities or
8 immediate relatives or guardians of adults with mentally impairing
9 developmental disabilities who cannot advocate for themselves. Six (6)
10 members shall be a combination of individuals in these two (2) groups, and at
11 least one (1) of these members shall be an immediate relative or guardian of
12 an institutionalized or previously institutionalized person with a
13 developmental disability or an individual with a developmental disability who
14 resides in an institution or who previously resided in an institution.

15 (c) Members not representing principal state agencies shall be appointed for a
16 term of three (3) years. Members shall serve no more than two (2) consecutive
17 three (3) year terms. Members shall serve until their successors are appointed
18 or until they are removed for cause.

19 (d) The council shall elect its own chair, adopt bylaws, and operate in accordance
20 with its bylaws. Members of the council who are not state employees shall be
21 reimbursed for necessary and actual expenses. The cabinet shall provide
22 personnel adequate to insure that the council has the capacity to fulfill its
23 responsibilities. The council shall be headed by an executive director. If the
24 executive director position becomes vacant, the council shall be responsible
25 for the recruitment and hiring of a new executive director.

26 (4) The Commonwealth Council on Developmental Disabilities shall:

27 (a) Develop, in consultation with the cabinet, and implement the state plan as

1 required by Part B of the Developmental Disabilities Act of 1984, as
 2 amended, with a goal of development of a coordinated consumer and family
 3 centered focus and direction, including the specification of priority services
 4 required by that plan;

5 (b) Monitor, review, and evaluate, not less often than annually, the
 6 implementation and effectiveness of the state plan in meeting the plan's
 7 objectives;

8 (c) To the maximum extent feasible, review and comment on all state plans that
 9 relate to persons with developmental disabilities;

10 (d) Submit to the secretary of the cabinet, the commissioner of the Department for
 11 Behavioral Health, Developmental and Intellectual Disabilities, and the
 12 Secretary of the United States Department of Health and Human Services any
 13 periodic reports on its activities as required by the United States Department
 14 of Health and Human Services and keep records and afford access as the
 15 cabinet finds necessary to verify the reports;

16 (e) Serve as an advocate for individuals with developmental disabilities and
 17 conduct programs, projects, and activities that promote systematic change and
 18 capacity building;

19 (f) Examine, not less than once every five (5) years, the provision of and need for
 20 federal and state priority areas to address, on a statewide and comprehensive
 21 basis, urgent needs for services, supports, and other assistance for individuals
 22 with developmental disabilities and their families; and

23 (g) Prepare, approve, and implement a budget that includes amounts paid to the
 24 state under the Developmental Disabilities Act of 1984, as amended, to fund
 25 all programs, projects, and activities under that Act.

26 ~~{(5) The Commonwealth Council on Developmental Disabilities shall appoint a~~
 27 ~~subcommittee, which shall include members of the Kentucky Commission on~~

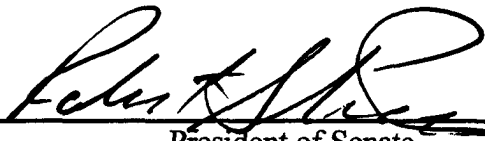
1 ~~Autism Spectrum Disorders, to monitor the implementation of the state plan as~~
2 ~~developed by the commission beginning October 1, 2006. The subcommittee shall~~
3 ~~prepare, and the council shall submit, the report as required under KRS 194A.622~~
4 ~~(10).]~~

5 ➔Section 4. The following KRS sections are repealed:

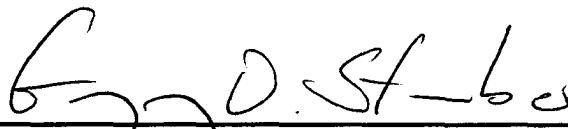
6 194A.620 Legislative findings -- Purpose -- Definition.

7 194A.622 Kentucky Commission on Autism Spectrum Disorders -- Membership --
8 Administrative support -- Meetings -- Comprehensive state plan on training,
9 treatments, and services -- Advisory and monitoring functions.

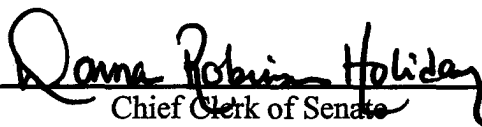
10 ➔Section 5. The General Assembly confirms Executive Order 2015-397, dated
11 June 23, 2015, which establishes the Advisory Council on Autism Spectrum Disorders, to
12 the extent it is not otherwise confirmed or superseded by this Act.



President of Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 1 APRIL 2016